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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,167	10/27/2003	Jan Ryderstam	81044557 (201-0705)	3060
28415	7590	09/12/2006	EXAMINER	
PRICE, HENEVELD, COOPER, DEWITT & LITTON, LLP 695 KENMOOR S.E. P. O. BOX 2567 GRAND RAPIDS, MI 49501-2567			NGUYEN, CUONG H	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/694,167	Applicant(s) RYDERSTAM ET AL.	
	Examiner CUONG H. NGUYEN	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response

1. The current examiner respectfully withdraws the previous allowable subject matter of claims 6, 7, 9-12, 16-20 from a prior examiner.

A. Applicants' arguments filed 6/28/2006 have been fully considered, and the examiner withdraws previous 35 USC 112 rejections mailed on 4/07/2006; but they are not persuasive on the cited art of Kitano; and some limitations are still unclear (see the note below); however, assumptions for these claims are made, and Kitano suggests these points. According to the specification, para.[0010] and [0011], the claimed "active force" in this application merely is a very well-known force to drive a vehicle forward; this force is applied to front tires 12.

B. Applicants argue that Kitano does not teach: "determining a tractive force request of a driver of the vehicle; determining an actual tractive force of the vehicle; and modifying the actual tractive force of the vehicle to be equal to the tractive force request." The examiner disagrees because Kitano's teachings meet what the applicant claims. Kitano discloses about determining a tractive force request of a driver of the vehicle; determining an actual tractive force of the vehicle; and modifying the actual tractive force of the vehicle to be equal to the tractive force request (see Kitano, column 7, lines 58-67). Tractive force is the drawing of a vehicle by motive power; the motive power employed. In fact, applicant's summary of the invention states: "the present invention is to provide a method of controlling tractive force of a vehicle comprising an actual speed of the vehicle and sensing a position of an acceleration pedal (see the submitted specification, page 1, lines 19-21)." This is nothing different than Kitano's teachings. In column 8, lines 7-10, Kitano controls the tractive force by releasing the accelerator pedal and vehicle speed. Note that the actual tractive force is the "real" tractive force in Kitano's invention and the tractive force request is the target driving force in Kitano's invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 8, and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by

Kitano et al (US Pat. 6,528,959).

A. As per claim 1, Kitano discloses about determining a tractive force request of a driver of the vehicle; determining/demanding an actual tractive force of the vehicle; and modifying the actual tractive force of the vehicle to be equal to the tractive force request/demand (see Kitano, FIG.3 “actual tractive force” is “TARGET FRONT-WHEEL DRIVING FORCE” S35 and “CALCULATE TARGET FRONT-WHEEL DRIVING FORCE” is a modifying/modeling step; column 3, lines 35-48, column 7, lines 18-24, 57-67, figures 2, 3, 29).

B. As per claim 2, Kitano discloses measuring the actual speed of the vehicle (see Kitano, FIG.4, and column 3, lines 32-33); sensing a position of the acceleration pedal (see Kitano, column 12, lines 14-17); looking up the tractive force request corresponding to the actual speed and the position of the acceleration pedal (see Kitano, the abstract).

C. As per claim 3, Kitano discloses estimating/calculating/modeling the actual tractive force (see Kitano, Fig.3 with a step of “CALCULATE TARGET FRONT-WHEEL DRIVING FORCE” S35, and the abstract).

- D. As per claims 4 and 14, Kitano discloses about calculating/estimating/modeling the tractive force as a function of the vehicle speed (see Kitano, FIG.4, and the abstract).
- E. As per claims 5, 8, and 15, Kitano discloses a percentage of available/"WITHIN THE RANGE" tractive force of the vehicle (see Kitano, column 41, lines 1-15).
- F. As per claim 13, Kitano discloses determining a tractive force request of a driver of the vehicle; determining an actual tractive force of the vehicle; and modifying the actual tractive force of the vehicle to be equal to the tractive force request (see Kitano, same rationales to rejection of claim 1 above; also column 3, lines 35-48, column 7, lines 18-24, 57-67 and figures 2, 3, 29); measuring the actual speed of the vehicle (with a vehicle speed-detecting means, see Kitano, column 3, lines 32-33); sensing a position of the acceleration pedal (e.g., using a position sensor as sensor 13; see Kitano, column 12, lines 14-28); looking up the tractive force request corresponding to the actual speed and the position of the acceleration pedal and modeling actual tractive force (e.g., Kitano suggests about "looking up respective tables"; see Kitano, FIG.4, col.15 lines 18-26, and the abstract).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-7, 9-12, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitano et al (US Pat. 6,528,959).

The rationales and reference for rejections of above REJECTED claims are incorporated.

Kitano does not disclose about "the request for the percentage of available tractive force"; however, Kitano suggests about using "tractive force in range" that including specifying

a percentage of available tractive force – for example, 100% of available tractive force (a maximum number) reads on claimed language.

It would have been obvious to one with ordinary skill in the art to implement Kitano's teaching to specify a step that teaches a percentage of available tractive force for an advantage of deriving a more accurate calculation of tractive force demanded.

4. Note: The current examiner respectfully submits that pending claims are unclear; as best interpretation the claimed concept simply are: input a number from LUT and see any change while driving a vehicle; and

The claimed language of "*wherein the request for the percentage of available tractive force decreases for a given acceleration pedal position as the speed of the vehicle increases*" and in similar claimed phrases are unclear – the request can not "decreases"; it can only contain information that do not change a claimed step of using a request in a method.

The applicants are request to further clarify them in better languages.

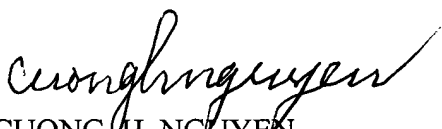
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.


CUONG H. NGUYEN
Primary Examiner
Art Unit 3661